

## PATENT

## REMARKS

Claims 1-13 are pending in the present application. In this amendment, Applicants respectfully respond to the Office Action dated February 7, 2006. Applicants also amend claims 1 and 6.

*Claim Objections*

Claims 1 and 6 have been amended in response to Examiner's antecedent basis objections.

Examiner objects that claim 7 should be terminated with a period instead of a colon. Applicants note that claim 7 is already terminated with a period.

Examiner objects that the recitations of "for storing", "for receiving", or "for determining" are not positive limitations. Applicants respectfully request that Examiner provide a formal and statutory basis for such an objection. Such limitations are commonly used for instructions stored in a computer media. Please see *In re Beauregard*, 53 F.3d 1583 (Fed. Cir. 1995).

*Claim Rejections – 35 USC § 102*

Claims 1, 6 and 7 are objected to under 35 U.S.C. 102(e)

Claims 1-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Razoumov et al. (US Patent No. 6,771,100 B1), hereinafter referred to as Razoumov.

Applicants amend independent claim 1 to add the feature that the determination of the transmission energy setpoint and the retransmission energy setpoint is responsive to an update trigger. This amendment is fully supported by Applicants' specification as originally filed. Please see, for example, [1069] – [1070].

While Razoumov teaches the selection of a second transmission energy E2 and retransmission of the frames received in error upon occurrence of a transmission error (Razoumov col. 4, lines 30-40), Razoumov does not teach a determination or update of E1 and

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E2 responsive to an update trigger as in Applicants' amended claims. Therefore, Applicants' claim1 and all dependent claims are novel and patentable over Razuomov.

Similarly Applicants' claim 6 and all dependent claims have the feature of adjustment of the transmission energy setpoint or retransmission energy setpoint on occurrence of a transmission error or retransmission error, respectively. Again, while Razoumov teaches the selection of a second transmission energy E2 and retransmission of the frames received in error upon occurrence of a transmission error (Razoumov col. 4, lines 30-40), Razuomov does not teach an adjustment or update of E1 and E2 responsive to an error as in Applicants' claims. Therefore, Applicants' claim 6 and all dependent claims are novel and patentable over Razuomov.

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**CONCLUSION**

In light of the amendments contained herein, Applicants submit that the application is in condition for allowance, for which early action is requested.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Respectfully submitted,

Dated: July 7, 2006

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